Instl. II-27—37,004—13-11-45.

Home. (1946) Department.

Ms. SERIES.

G.O. No. Ms.No.1824.

Dated 18th June 1946.

P. 13/(E)

[Description Abstract]

POLICE- Honnur Sahib-Ex-Police constable No.99 Bellary district- Re-enlistment- Recommendation of the Discharged Prisoners' Aid Society, Bellary-Rejected.

C.No.292/S.R/47 8/3/46

From

Rao Sahib R.D.Paul,M.A.,
District Magistrate,Bellary.

To

The Secretary to Government
(Home Department)
Fort St.George, Madras.

No.Rc.2406/45.E.3 dated 6-3-46.

Sir,

Sub:--PRISONERS - Discharged prisoners' Aid Society - Bellary - Exconvict Honnur Sahib for reinstatement in the Police Department - report submitted.

Ref:--1. Judgment in C.A.No.34/45 of the Sessions Judge,Bellary dated 23-7-45.
2. Bellary District superintendent's of police Rc.No.2084/45 dated 16-2-46.

1. Honnur Sahib, Ex-P.C. No.99 was charged under section 7(1) of the Essential services Ordinance 1941, convicted and sentenced to two months rigorous imprisonment and to a fine of Rs.10/- in default to 7 days further rigorous imprisonment by the Additional First Class Magistrate, Bellary in his C.C.No.91/45.

2. Against this judgment he appealed on 4-7-1945 before the Sessions Judge, Bellary. The Sessions Judge in his C.A.34/1945 modified the sentence, reduced the imprisonment to the period of 15 days already undergone by the appellant and set aside the fine of Rs.10/-

3. Honnur Sahib approached the local Discharged Prisoners Aid Society and has requested it to move Government to remove the ban against his re-employment in the Police Department.

The Discharged Prisoners' Aid Society at a meeting held on 14-12-45 resolved to forward his application to me with a request that I should address the Government to remove the ban. The District Judge and the District Superintendent of Police and the District Magistrate are members of the executive of the society. A copy of the proceedings of the Committee is enclosed.

4. The petition was enlisted in the Police Department as a 4th class constable on 3-2-42 and was confirmed in the appointment on 28-2-44. He served in the Police post till 10-1-45 when he absented himself from duty without leave. He was therefore charged for desertion and struck off as a deserter by the Police and prosecuted under the Essential Services Ordinance, as stated in para 1. During his 3 years of service in the Police Department he earned two good service entries --one for work done in controlling a fire in the Ceded Districts College, Anantapur on 15-9-42 during the Civil Disobedience Movement;and the other for charging petty cases successfully before courts under the Gamming Act, when he was attached to Brodepet Police station, Bellary. On account of his good work he appears to have been confirmed in the post of a constable within two years of his service.

5. But during his service he is also reported by the District Superintendent of Police to have been awarded five black marks and that it was, while an enquiry was pending against him for absence from sentry duty while on Sub Jail and Treasury Guard duty that he deserted.

6. The District Judge, in the appellate Judgment referred to above, has made the following observations:

"The fine imposed upon him is set aside and the imprisonment reduced to this term with however my recommendation to the Police authorities to re-examine his case with a view to re-entertaining him in the Police Department in view of the possibility of some erroneous impression of the obligations of service in the Police Department being mainly responsible for his desertion. Given another chance he may make good."

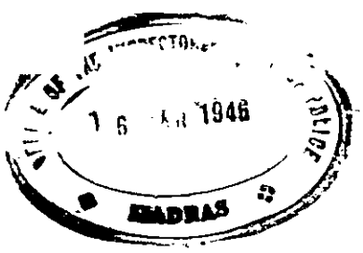
7. Discharged Prisoners Aid Society have been asked by Government (in a communication letter No.3578-C-1, Law (General) d/18-8-1922) to forward for consideration of the Government cases if any of individual

ex-convicts whom the Society would recommend for employment in Government service. This case is submitted for favourable consideration by Government. The ex-police constable has not had an unblemished record of past service but he is only 24 years of age now and it seems desirable to give him another chance which might be the remaking of him and redeem him from a life of poverty and possible crime.

nsn.Murthi/7-3-46

Enc:-1.

Rajamanickam
District Magistrate. 7.3.46



[C.no.J1.-9856],
Home Department. 16/3

Endorsement no. 9856 J/46-1 dated 15/3/46.

Referred to the Inspector General of Police for remarks which should be submitted, with relevant records, not later than ~~13~~ 20.4.46.

By order,

14.3.46

Under Secretary to Govt.

13.3.46/13/3/46

To the Inspector General of Police, Mylapore, Madras. (With C.F. to be returned with reply)

3

Copy ofproceedings of the After-Care Committee Meeting of the Discharged Prisoners' Aid Society, Bellary held at Sri Lakshminarayana Chetty Pressing Factory, Bellary.

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Members present:

1. Sri Rao Sahib R.D.Paul, M.A.
2. E.F.Mack, Esq., I.C.S.
3. Khan Bahadur J.Abdur Rahman Khan Sahib.
4. Sri B.Kallu Rao, B.A., B.L.,
5. V.Kunhiraman Nair, B.A., L.T.
6. Agadi Lakshninarayana Chetty.
7. K.B.R.Rangappa.
8. C.Nagoji Rao.

Proceedings:

1. Read application from the Ex-convict Honnur Sahib D/26-11-45 to recommend him to the Police Authorities to reinstate him in that department: Read also the judgment in Crl.App.No.34/45 on the file of the Sessions Judge, Bellary, against the conviction and sentence of the Additional First Class Magistrate, Bellary, convicting the accused under the Essential Service Ordinance of 1941 in C.C.No.91/45 on the file of his court which was modified in the said appeal by the said judge who had recommended the appellant to the Police authorities to re-entertain him in the Department.

The committee resolves to forward the application to the District Magistrate with a request that he should address the Government to remove the bar to this man's re-employment in the police force.

Sd. Rajiah D.Paul,
President, D.P.A.Society, Bellary.

Sd.C.Nagoji Rao, 13-12-45.
Hony. Secretary,
D.P.A.Society, Bellary.

/True copy/.

nsn.Murthi/7-3-46.

16252
18/4/46

From
L.A. Bishop Esq., O.B.E.,
Inspector-General of Police,
Madras.

To
The Secretary to the
Government of Madras,
Home Department.

R.C. No. 298/SR/46, dated 17th April 1946.

Sir,

Sub: Prisoners - Discharged Prisoners' Aid Society - Bellary
Ex-convict Honnur Sahib, late Police constable No.99
of the Bellary district - Re-enlistment in the Police Departme

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Ref: Home Department endorsement No. 9856 J/46-1, dated 15-3-1946.

I forward herewith the reply of the District Superintendent of Police and the Deputy Inspector-General's endorsement. I am absolutely against the re-enlistment of this constable. Further as he is not-ex-services personnel he is not eligible. The Judge apparently looked only at the reward sheet. The rewards were not of importance and they were few. The other side of the picture, the defaulter sheet, was extremely bad for a man of this individual's service. I have no doubt that he absented himself without leave and completed the offence of desertion in order to avoid being dismissed for his final offence. He knew the rules very well and he, in common with all recruit constables, learnt them at the Central Recruit School. The Sessions Judge himself considers him to have lied in his plea before his court.

2. I must

2. I must draw attention to the last sentence in paragraph 4 of the District Magistrate's letter. This individual was not confirmed on account of his good work but in the ordinary course on completion of his two years' probation.

3. The records required are forwarded.

for Insp.-Genl. of Police

MB.16/49

R.c.No.1470-1/genl/46.

POLICE DEPARTMENT.

From
Khan Bahadur
J. Abdur Rahman Khan Saheb
Bahadur, B.A., I.P.,
Dt.Supdt.of Police,Bellary.

To
The Inspector-General
Thro' of Police, Madras.
The Deputy Inspector-General
of Police, C.R., Bellary.

Rc.No.672/Aud/1946. Dated, 30th March 1946.

Sir,

Sub:-PRISONERS - Discharged Prisoners' Aid Society - Bellary - Ex-convict Honnur Saheb for reinstatement in the Police Department.

Ref:-Home Department Endt.No.9586 J/46-1, dated 15-3-1946, communicated in the Chief Office Rc.No.298/SR/46 dated 25-3-1946.

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The Ex-convict Honnur Saheb was enlisted in the Police Department as a 4th Class Constable on 3-2-1942 and was confirmed in his appointment on 25-2-1944. He served in the Police Force till 10-1-45 from which date he absented himself from duty without leave for 21 days and was struck off as a deserter. During his short service of nearly 3 years he earned two Rewards and 5 Punishments, 1 being during his probation. Before leaving the force he had 5 black marks and deferred black mark outstanding against him and another punishment roll for absence from the sentry duty while on Sub-Jail and Treasury Guard was pending against him. The Ex-convict absented himself at this stage when a personal hearing for dismissal was pending against him. On the completion of offence of desertion he was struck off as a deserter and prosecuted under the Essential Services (Maintainence) Ordinance. He was convicted by the additional First Class Magistrate, Bellary and sentenced to 2 months' R.I. and a fine of Rs.10/-. The fine was set aside and the period of imprisonment was reduced to 15 days by the Sessions Judge, Bellary. He was subsequently dismissed from the force. The last punishment while in service was one black mark with a final warning for dismissal for absence from beat duty for 2 days. In view of his bad defaulter sheet in his service of nearly 3 years, his service in the department cannot be said to be satisfactory.

The Case Diary file, the Service Roll, and the original report of the Inspector of Police, Harpanahalli are submitted herewith for favour of reference and return after done with.

30.3.46

JFS/30.3.46. Dist.Supdt.of Police, Bellary.

30/3

Forwarded.

2. His conduct and previous record show that he is not suitable for the Police Department.

D.I.G. C.R.

List of Enclosures.

1. K Case Diary File of Harpanahalli Station Cr.No.21/45 containing 26 pages.

2. Service Roll of P.C.No.99 S.Honnur Saheb with his Verification Roll.

3. Report of the S.I.of Police,Harpanahalli and the orders of the D.S.P.thereon, 4npages.

for Dt.Supdt.of Police,Bellary.

C.No. J1. 9856-J/46.

Home Department

G.O.Ms.No. 1824 dated 18.6.46

POLICE - Honnur Sahib - Ex-police constable No.99 Bellary district - Re-enlistment - Recommendation of the D.P.A.Society, Bellary - Rejected

Read: From the D.M., Bellary, No.RC.2406/45-E3 dated 6.3.1946.
From the I.G. of Police, RC.No.298/SR/46 dated 17.4.46

ORDER:

H.E. the ~~Governor~~ Govt agrees with the I.G. of Police that ex-convict Honnur Sahib is not suitable for re-enlistment in the Police dept.

To the D.M., Bellary (with records r/t (2)(9)
I.G. of Police,
Madras 4

Post copy of telephonic message, dated 4-7-1946.

29046

From the Inspector-General of Police, Madras.4.
To the Secretary to the Government of Madras, Home Department.

Sub: Police - Honnur Sahib, Ex. - Police constable No.99, Bellary district - Re-enlistment - Recommendation of the Discharged Prisoners' Aid Society, Bellary - Rejected.

Ref: G.O.Ms.No.1824, Home, dated 18-6-1946. (Q) 4.10 F

Kindly return the records forwarded to Government with my letter R.C.No.298/SR/46, dated 17-4-1946. (Q) 4.50 F

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R.C. No. 750/SR/46.

Office of the
Inspr.-Genl. of Police,
Madras.4,
Dated 5th July 1946.

for Inspr.-Genl. of Police.

To
The Secretary to the Government of Madras, Home Department.

NGN.4.7.

12

Encl. 18/13.7.46 Home Dept.

Memo. no. 2404 J/46-1 dated 13.7.46

Police - Honnur Sahib - Exp. C. no 99

Bellary dist - Recruitment - Recommendation

of the D.P.A Society, Bellary

Ref: From the D.G. of Police, Rc. no 7570/SR/46 dy 5.7.46

The D.G. of Police is informed that the

records forwarded to Govt with his letter no. 2981/SR/46

dy 17.4.46 have been sent to the D.M., Bellary with G.O.Ms.

no 1824, Home dy 18.6.46. ~~He is requested to obtain them~~

~~from him.~~

(9) A.S.C.F

(9)/A.10C.F

12.7.46

Passed.

To the D.G. of Police

read on 4

forwarded

14.7.46

11.7.46

Posted

16.7.46.

[C.M. J-9856]

Home Department.

Prisoners - Discharged Prisoners' Aid Society, Bellary - Ex-convict, Honnur Sahib, late police constable No. 99, Bellary district - Re-enlistment.

From the D.M., Bellary, No.R.C.2406/45-E.3, dated 6-3-1946.
[Issued as Enlt. No. 9856-J/46-1, dated 15-3-1946 to the I.G. of Police.]
From the I.G. of Police, Rc.No.298/SR/46, dated 17-4-1946.

Honnur Sahib, late police constable No. 99 of Bellary was enlisted in the Police Dept. as a 4th class constable on 3-2-1942 and was confirmed in the appointment on 25-2-1944. He served in that dept. till 10-1-1945 when he absented himself from duty without leave for 21 days and was struck off as a deserter. He was charged under section 7(1) of the Essential services Ordinance, 1941. The Adil. 1st class magistrate, Bellary convicted and sentenced him to two months R.I. and to a fine of Rs.10/- in default R.I. for 7 days ~~further R.I.~~ On appeal, the Sessions Judge Bellary modified the sentence, reduced the imprisonment to the period of 15 days already undergone by the appellant and set aside the fine of Rs.10/-. In his julgment, the Sessions Judge observed as follows:-

> "The fine imposed upon him is set aside and the imprisonment reduced to this term with however my recommendation to the Police authorities to re-examine his case with a view to re-entertaining him in the Police Department in view of the possibility of some erroneous impression of the obligations of service in the Police Department being mainly responsible for his desertion. Given another chance he may make good."

2. Under P.S.C. 77(1), Vol. I, no police officer, convicted of an offence and sentenced to imprisonment should be retained in the service without the special order of the Inspector-General The late police constable applied to the D.P.A. Society, Bellary requesting it to move Govt. to remove the ban against his re-employment in the Police Dept. The Society has forwarded his application to the D.M., Bellary to address the Govt. to remove the ban. The D.M. who is one of the members of the executive of the Society, has forwarded a copy of the proceedings on p.3 c.f. and has subd. the case for favourable consideration of Govt. The D.M. has observed that the ex-police constable has not had an unblemished record of past service but he is only 24 years of age now and that it is desirable to give him another chance which might be the remaking of him and redeem him from a life of poverty and possible crime.

3. The remarks of the D.S.P., Bellary and the I.G. are on pp.7 & 6c.f. The records of the case are at (q). The D.S.P. Bellary has reported that in view of his bad defaulter sheet in his service of nearly 3 years, his service in the department cannot be said to be satisfactory. The D.I.G. of Police, Central Range is of the opinion that his conduct and previous record show that he is not suitable for the Police Dept. The I.G. of Police is absolutely against his re-enlistment.

4. The case is subd. for orders.

Draft subd.